

405 KAR 26:001. Operations of two (2) acres or less.

RELATES TO: KRS Chapter 350, 350.010, 350.020, 350.028, 350.050, 350.055, 350.057, 350.060, 350.062, 350.064, 350.070, 350.085, 350.090, 350.093, 350.095, 350.100, 350.110, 350.113, 350.130, 350.135, 350.151, 350.445, 350.450, 350.465, 350.990

STATUTORY AUTHORITY: KRS 350.020, 350.028, 350.050, 350.060, 350.064, 350.093, 350.130, 350.135, 350.151, 350.450, 350.465

NECESSITY, FUNCTION, AND CONFORMITY: The 1980 and 1982 General Assembly enacted amendments to KRS Chapter 350 which would change certain regulatory requirements for surface coal mining and reclamation operations of two (2) acres or less. Several of those changes become applicable upon the effective date of the approval by the U.S. Secretary of the Interior of Kentucky's permanent regulatory program under the 1977 Surface Mining Control and Reclamation Act. The effective date of that approval is May 18, 1982, and this administrative regulation is necessary to implement the required changes in a timely manner. This administrative regulation continues the existing regulatory program for such operations, but deletes requirements for highwall elimination; decreases the maximum amount of performance bond required; specifies when performance bond may be filed; reduces the time for processing applications; specifies boundaries which must be identified for underground mines; establishes conditions under which cessation orders may not be issued; and increases permit fees and acreage fees.

Section 1. Applicability. This administrative regulation shall apply to surface coal mining and reclamation operations of two (2) acres or less which are exempt from the requirements of 405 KAR Chapters 7 through 24.

Section 2. Notwithstanding the provisions of 405 KAR 1:005 and 405 KAR 3:005, the provisions of 405 KAR Chapters 1 and 3 shall remain in effect for surface coal mining and reclamation operations of two (2) acres or less which are exempt from the requirements of 405 KAR Chapters 7 through 24, except as provided in this section.

(1) Highwall elimination. Elimination of highwalls left by such operations shall not be required.

(2) Performance bonds. The required bond amount of such operations shall not be more than \$1,000 per acre or fraction thereof. The applicant shall not be required to submit the required performance bond until after the applicant has received written notice of the department's decision to issue the permit.

(3) Processing of applications. Complete applications for permits shall be processed within thirty (30) calendar days, except that periods of temporary withdrawal shall not be counted against the thirty (30) calendar days.

(4) Underground mines. Applications for permits for the surface effects of underground mining shall clearly identify the boundaries of surface areas above the proposed underground mining operations.

(5) Cessation orders. The department shall not issued orders requiring the cessation of operations solely for failure to abate a violation.

(6) Fees. On and after July 15, 1982, the basic fee for applications for permits shall be \$375, and the acreage fee shall be seventy-five (75) dollars for each acre or fraction thereof. (9 Ky.R. 81; eff. 1-6-83.)